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Joseph S Tripoli
Patent Operations
Thomson Multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08543-5312

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,873

Applicant(s)

KLOPPENSTEIN, SCOTT E.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The wording and definition of virtual channel numbers, transmission channel numbers, and broadcast channel numbers change repeatedly throughout the specification, for example, see the specification at page 12, lines 18-23; page 13, lines 14-27, 20-21 and 27-34; page 14, lines 9-11.

Appropriate correction is required.

Claim Objections

2. Claim 13 is objected to because of the following informalities: In claim 13, line 3 “said second channel identification number” should be changed to –said second channel number--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22, line 4 refers to “said first broadcast channel

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number” which is not contained in the preceding claim. It is unclear if this refers to “a virtual channel identification number”, “a transmission channel number”, or both. In order to advance prosecution on the merits, “said first broadcast channel number” is interpreted to be “said virtual channel identification number.”

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-14 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiyama et al. (Sugiyama)(6,313,886).

As to claim 1, Sugiyama discloses in a video decoder (Television, 400, column 3, lines 58-67 and column 4, lines 1-11), a system for acquiring packetized program information comprising a program on one of a plurality of broadcast channels (column 4, lines 12-34), comprising the steps of: **identifying** an individual broadcast channel in response to user entry (column 5, lines 60-67) of either of, (a) a first channel identification number (transmission channel 4 in Fig. 1, column 2, lines 1-4), and (b) a different second channel identification number (digital channels 4.1 and 4.2, column 1, lines 35-47 and lines 60-63), **tuning** to receive said identified individual broadcast

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channel (column 5, lines 60-67), **acquiring** packetized program information comprising a program conveyed on said individual broadcast channel (column 6, lines 29-33 and 52-55) using an acquired program guide (PSIP section, column 1, lines 47; column 6, lines 10-16 and 24-33), and **processing** said packetized program information to be suitable for display (column 4, lines 27-64).

As to claim 2, Sugiyama discloses wherein said first channel identification number is a transmission channel identification number (major channel 4, column 1, lines 48-52), and said second channel identification number is a virtual channel identification number (minor channels 4.1 and 4.2, column 1, lines 35-47 and 48-52).

As to claim 3, Sugiyama discloses displaying said second channel identification number together with said program (Fig. 11, box 1104, channel number 4.0, column 6, lines 24-28), in response to entry of said first channel identification number (channel number 4, column 2, lines 1-4).

As to claim 4, Sugiyama discloses wherein said second channel identification number is comprised of two elements, a major number and a minor number (column 1, lines 35-47).

As to claim 5, Sugiyama discloses the step of displaying said major number and minor together with said program (Fig. 11, box 1104, number 4.0, column 6, lines 24-

28), in response to entry of said first channel identification number (channel number 4, column 2, lines 1-4).

As to claim 6, Sugiyama discloses the step of displaying said first channel identification number together with said program (Fig. 11, box 1104, wherein the first channel identification number, 4, is part of the second channel identification number, 4.1, column 5, lines 60-67) in response to entry of said second channel identification number (column 7, lines 5-49).

As to claim 8, Sugiyama discloses wherein said second channel identification number comprises a major number and a minor number (column 1, lines 35-47) wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with a broadcast organizations analog channel 4 and minor channels 4.1 and 4.2, column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 4.1 or 4.2, column 1, lines 60-63).

As to claim 9, Sugiyama discloses wherein said first channel identification number is a transmission channel identification number (major channel 4, column 1, lines 48-52), and said tuning step includes tuning to receive a sub-channel comprising said identified individual broadcast channel in response to user entry (column 5, lines

60-67) of said transmission channel identification number (major channel 4, column 7, lines 5-15) and said minor number (minor channel 2, column 7, lines 29-49)

As to claim 10, Sugiyama discloses wherein in said identifying step said individual broadcast channel is identified using acquired program guide information (column 6, lines 24-33 and lines 52-55).

As to claim 11, Sugiyama discloses the step of searching a database (section data stored in memory, column 4, lines 22-27) to identify an individual broadcast channel of said plurality of broadcast channels (column 6, lines 24-33 and lines 52-55) in response to user entry of a channel identification number (column 5, lines 60-67).

As to claim 12, Sugiyama discloses in a video decoder (Television, 400, column 3, lines 58-67 and column 4, lines 1-11), a system for acquiring packetized program information comprising a program on one of a plurality of broadcast channels (column 4, lines 12-34), comprising the steps of: **acquiring** a program guide containing information mapping a first broadcast channel number to a different second channel number (column 1, lines 34-47, column 2, lines 23-34 and column 6, lines 24-33), said program guide being one of a plurality of different available program guides (for PSIP and non-PSIP streams, column 2, lines 8-16 and lines 35-42) including a program guide omitting said mapping information (column 2, lines 43-51 and column 6, lines 34-46), **tuning** to receive said second broadcast channel in response to user entry of said first broadcast

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channel number (column 5, lines 60-67) using said acquired program guide (column 6, lines 10-33), **acquiring** packetized program information comprising a program conveyed on said second channel (column 6, lines 29-33 and 52-55).

As to claim 13, Sugiyama discloses wherein said first channel identification number is a virtual channel identification number (minor channels 4.1 and 4.2, column 1, lines 35-47 and 48-52) and said second channel identification number is a transmission channel identification number (major channel 4, column 1, lines 48-52).

As to claim 14, Sugiyama discloses wherein said first channel identification number is comprised of two elements, a major number and a minor number (column 1, lines 35-47).

As to claim 16, Sugiyama discloses wherein said major number is associated with a broadcast information provider (column 1, lines 60-63).

As to claim 17, Sugiyama discloses selecting said program guide containing mapping information (column 6, lines 10-23) from said plurality of different available program guides (for PSIP and non-PSIP streams, column 2, lines 8-16 and lines 35-42) including said program guide omitting said mapping information (column 2, lines 43-51 and column 6, lines 34-46).

As to claim 18, Sugiyama discloses displaying said first broadcast channel number, together with said program (Fig. 11, screen 1106, column 6, lines 24-28), in response to user entry of said first broadcast channel number (column 5, lines 60-67).

As to claim 19, Sugiyama discloses wherein said first broadcast channel number comprises a major number and a minor number (column 1, lines 35-47), wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with analog channel 4 and minor channels 4.1 and 4.2, column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 4.1 or 4.2, column 1, lines 60-63).

As to claim 20, Sugiyama discloses wherein said first broadcast channel number comprises a major number and a minor number (column 1, lines 35-47), wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with a broadcast organizations analog channel 4 and minor channels 4.1 and 4.2, column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 1 or 2, column 1, lines 60-63), and said second channel number is a transmission channel identification number (major channel 4, column 1, lines 48-52), and said tuning step includes tuning to receive a sub-channel comprising said identified individual broadcast

channel in response to user entry (column 7, lines 5-49) of said transmission channel identification number and said minor number (column 2, lines 1-7)

As to claim 21, Sugiyama discloses in a video decoder (Television, 400, column 3, lines 58-67 and column 4, lines 1-11), a system for acquiring packetized program information comprising a program on one of a plurality of broadcast channels (column 4, lines 12-34), comprising the steps of: **receiving** at least one of, (a) a virtual channel identification number (digital channels 4.1 and 4.2, column 1, lines 35-47 and lines 60-63), and (b) a transmission channel identification number (transmission channel 4 in Fig. 1, column 2, lines 1-4), said transmission channel conveying packetized program information comprising a program (column 6, lines 24-34 and lines 52-55); **mapping** said virtual channel number to the transmission channel identification number (column 1, lines 60-63, column 2, 1-7 and column 6, lines 24-28); **tuning** to receive said transmission channel using said transmission channel identification number (column 4, lines 12-21) in response to user entry (column 5, lines 60-67) of either one of, said virtual channel identification number (digital channels 4.1 and 4.2, column 1, lines 35-47 and lines 60-63) and said transmission channel identification number (transmission channel 4 in Fig. 1, column 2, lines 1-4), and **acquiring** said packetized program information comprising a program conveyed on said transmission broadcast channel (column 6, lines 29-33 and 52-55).

As to claim 22, Sugiyama discloses the displaying of said virtual channel identification number (Fig. 11, screen 1106, column 6, lines 24-28), together with said program, in response to user entry of said first broadcast channel number (column 4, lines 5-49).

As to claim 23, Sugiyama discloses wherein said virtual channel identification number comprises a major number and a minor number (column 1, lines 35-47), wherein said major number is associated with both an information provider and a group of sub-channels (column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (column 1, lines 60-63).

7. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al. (Schneidewend)(6,249,320).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 24, Schneidewend discloses in a video decoder (100), a system for tuning to acquire packetized program information comprising a program conveyed on one of a plurality of broadcast channels (column 3, lines 17-36) identified by a virtual

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channel identification number including a major number associated with an information provider and a group of sub-channels (column 6, lines 21-39) and a minor number identifying a sub-channel from among said group of sub-channels (column 6, lines 35-49), comprising the steps of: **navigating** within a first list, including a plurality of broadcast channels (Fig. 13), to identify and select a broadcast channel an associated virtual channel identification number, in response to user activation of a first navigation control (column 3, lines 37-45 and column 12, lines 8-14); **navigating** within a second list of a group of sub-channels associated with said selected broadcast channel (Fig. 13) to identify and select a sub-channel and an associated minor number, in response to user activation of a second navigation control (column 3, lines 37-45 and column 12, lines 8-20); **tuning** to receive a selected broadcast channel using said selected virtual channel identification number (column 4, lines 43-57); and **acquiring** packetized program information comprising a program conveyed on said broadcast sub-channel using said minor number (column 5, lines 66-67 and column 6, lines 1-4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama, in view of Vancelette (5,894,320).

As to claims 7 and 15, while Sugiyama discloses where the second channel identification number is comprised of two elements, a major number and a minor number (column 1, lines 35-47), he fails to specifically disclose wherein a default is used in the absence of said minor number.

Vancelette discloses wherein when a plurality of video signals are available for viewing by a user (column 6, lines 6-24 and column 11, lines 20-40), a default signal is assigned to be initially displayed upon receipt of a primary channel number (column 6, lines 32-37) for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Sugiyama's system to include wherein a default is used in the absence of said minor number, as taught by Alten, for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

10. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being obvious over Schneidewend, in view of Alten et al. (Alten)(US2002/0049973A1).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the

reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

As to claim 25, while Schneidewend discloses lists of broadcast channels and groups of sub-channels associated with said selected broadcast channel (Fig. 11 and 12), he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said lists.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11, paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said lists, as taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

As to claim 26, while Schneidewend discloses a system having some navigation control (column 12, lines 8-34), he fails to specifically disclose wherein said first and second navigation controls use the same user activated remote control button.

Alten discloses a system wherein the navigation controls to navigate a first listing (Fig. 6), and a second listing (Fig. 30) use the same remote control buttons (up/down arrow keys on remote 40 in Fig. 4; page 9, paragraph 117 and page 11, paragraph 136) for the typical advantage of simplifying the requirements of a user to navigate a plurality of different menus.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include wherein said first and second navigation controls use the same user activated remote control button, as taught by Alten, for the typical advantage of making menu listing navigation as simple as possible for a user.

As to claim 27, while Schneidewend discloses a system having some navigation control (column 12, lines 8-34), he fails to specifically disclose wherein said first and second navigation controls use different user activated remote control buttons.

Alten discloses a system wherein the navigation controls to navigate a first listing (Fig. 30), and a second listing (Fig. 30, 302, 306 or 307) use different user activated remote control buttons (page 11, paragraph 136) for the typical advantage of allowing the display and navigation of a listing and sublisting at the same time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include wherein said first and second navigation controls use different user activated remote control buttons, as taught by Alten, for the typical advantage of allowing the display and navigation of a listing and sublisting at the same time.

As to claim 28, Schneidewend discloses displaying a menu (Fig. 13) listing numbered broadcast channels (column 11, lines 37-48) and displaying a menu (Fig. 13) listing numbered sub-channels (column 11, lines 37-48), however, he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said menus.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11,

paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said menus, as taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

As to claim 29, Schneidewend discloses generating a displayed menu (Fig. 13, column 11, lines 23-35) listing numbered broadcast channels (column 11, lines 37-48) and generating a displayed menu (Fig. 13, column 11, lines 23-35) listing numbered sub-channels (column 11, lines 37-48), he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said menus.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11, paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said menus, as

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taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Alexandria, VA 22313-1450

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(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

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(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

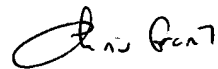
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

James Sheleheda
Patent Examiner
Art Unit 2614

JS


CHRIS GRANT
PRIMARY EXAMINER